

From: ["Hamilton, Karen" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=464B97BC84BE4DD582A98FA4C0ADA6CE-HAMILTON.KAREN>](mailto:Hamilton.Karen@EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=464B97BC84BE4DD582A98FA4C0ADA6CE-HAMILTON.KAREN)  
To: [Perkins](#)  
[Erin](#)  
CC:  
Date: 11/12/2014 10:07:44 AM  
Subject: RE: McNulty Gulch, Climax Mine -- Waste Treatment Systemexclusion. NPDES permit questions

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Let's see what I can schedule with Janet.

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**From:** Perkins, Erin  
**Sent:** Wednesday, November 12, 2014 8:27 AM  
**To:** Hamilton, Karen  
**Subject:** RE: McNulty Gulch, Climax Mine -- Waste Treatment System exclusion. NPDES permit questions

Hi –

Anything further on this? Do you think we should reschedule with the Corps?

Thanks,

[Erin](#)

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**From:** Hamilton, Karen  
**Sent:** Friday, November 07, 2014 7:48 PM  
**To:** Perkins, Erin  
**Subject:** Fwd: McNulty Gulch, Climax Mine -- Waste Treatment System exclusion. NPDES permit questions

Karen Hamilton  
EPA Region 8  
1595 Wynkoop St  
Denver, CO 80202  
303 312 6236

Tiny keyboard! Please forgive terse replies and misspellings.

Begin forwarded message:

**From:** "Kieler - CDPHE, Janet" <[janet.kieler@state.co.us](mailto:janet.kieler@state.co.us)>

**Date:** November 7, 2014 at 4:38:26 PM MST

**To:** "Hamilton, Karen" <[Hamilton.Karen@epa.gov](mailto:Hamilton.Karen@epa.gov)>

**Cc:** dick parachini <[dick.parachini@state.co.us](mailto:dick.parachini@state.co.us)>

**Subject: Re: FW: McNulty Gulch, Climax Mine -- Waste Treatment System exclusion. NPDES permit questions**

Karen we do want to help. this does look like a complicated issue and one that has both technical and legal aspects. Does that sound right?

My quick thinking is that I would need to ask to get an AG assigned and be sure someone on staff has a good chunk of time to dig into this. more than an hour or two more like several days to get up to speed on all these documents, review the current and past permits, and coordinate with an AG.

I just want a better sense from you if you think I'm misreading it so I can be thoughtful about who it goes to and how it might impact other work on their plate. and whether I ask Dick to approve AG time.

what is the timeframe on this? A sense of how long the process has been to date and what the road ahead you hope is to an endpoint.

Climax is hard to fight with. they are the ones that told me they thought it was unreasonable to require molybdenum sampling of a discharge from a molybdenum mine.

**Janet Kieler**

Permits Section Manger

Clean Water Program



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On Wed, Nov 5, 2014 at 11:29 AM, Hamilton, Karen <[Hamilton.Karen@epa.gov](mailto:Hamilton.Karen@epa.gov)> wrote:

Dick

We need to meet with the appropriate person in permits to discuss the State's perspective on the waste treatment system of interceptors and ditches in the McNulty Ditch area of the mine. The Corps has been working on a JD for over a year and has determined that preliminarily the wetlands in McNulty Gulch are waters of the US. The Corps has asked our opinion on the waste treatment exclusion. The question revolves around scope of the treatment system. The mine wishes to begin dumping waste in the area of the permitted ditches and interceptors and wants it to be excluded from CWA and thus mitigation under Section 404. Part of the argument goes to the original permit from EPA in 1974 and we have also looked at the State's subsequent permits to understand the State's thinking. However, we'd like to discuss CDPHE's view of them with the appropriate people next week. We'll be happy to come to your place.

Thanks much.

*Karen*

Karen Hamilton  
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